



COUNTY OF LOS ANGELES

DEPARTMENT OF PUBLIC WORKS

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ALHAMBRA, CALIFORNIA 91803-1331
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JAMES A. NOYES, Director

ADDRESS ALL CORRESPONDENCE TO:
P.O. BOX 1460
ALHAMBRA, CALIFORNIA 91802-1460

June 27, 2002

IN REPLY PLEASE
REFER TO FILE: **MP-6**

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, CA 90012-2756

Dear Supervisors:

21533 PASEO SERRA STREET - PARCEL 87-1EX - A.P.N. 4451-018-029
CITY OF MALIBU
RESOLUTION TO SELL LOS ANGELES COUNTY WATERWORKS DISTRICT NO. 29,
MALIBU REAL PROPERTY
SUPERVISORIAL DISTRICT 3
4 VOTES

IT IS RECOMMENDED THAT YOUR BOARD:

1. Find this transaction categorically exempt from the provisions of the California Environmental Quality Act.
2. Find that the property known as Parcel 87-1EX (13,814± square feet), 21533 Paseo Serra Street, Malibu, to be no longer needed for the uses of Los Angeles County Waterworks District No. 29, Malibu.
3. Authorize the Director of Public Works or his designee to issue all legal notices and prepare related documentation to sell the Property to the highest bidder.
4. Authorize the Director of Public Works or his designee to purchase advertising as deemed necessary.
5. Adopt the enclosed Resolution setting August 27, 2002, for hearing and confirmation of the highest bid to complete the sale consistent with the terms and conditions in the Resolution.

IT IS FURTHER RECOMMENDED AT THE TIME OF CONSUMMATION OF THIS SALE THAT YOUR BOARD:

1. Authorize the Director of Public Works or his designee to prepare and execute a purchase and sale agreement consistent with the terms and conditions of the Resolution and all documents necessary to complete this transaction.
2. Instruct the Chairman to execute the Quitclaim Deed upon presentation.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

This action enables the Los Angeles County Waterworks District No. 29, Malibu to sell this Property at auction to the highest bidder. This Property consists of a single-family residence located at the end of the cul-de-sac of Paseo Serra Street, south of Rambla Vista, and north of Pacific Coast Highway, in the City of Malibu.

The District acquired fee title to the Property as part of the settlement of the lawsuit filed in Los Angeles Superior Court entitled *Larry Coffman v. County of Los Angeles, Los Angeles County Waterworks District No. 29, et al.*, Case No. BC 246067, approved by your Board on April 23, 2002. The Property has no intended uses for the District.

The January 6, 2001, water main break incident that gave rise to Mr. Coffman's lawsuit washed out a portion of a slope on the parcel and caused damage to the structure. Both the slope and structure require repairs. Shortly following the incident, the City of Malibu declared the Property unsafe for occupancy and issued a notice requiring the owner to repair or demolish the Property. Upon making the appropriate disclosures regarding the state of the Property, the District intends to sell the Property in its current condition ("as is").

Implementation of Strategic Plan Goals

This action is consistent with the Strategic Plan Goal of Fiscal Responsibility. The revenue from the sale of this property will be used for District purposes and offset monies paid to Mr. Coffman pursuant to the settlement. Further, the sale will reduce the District's expenses and liability relating to the Property.

FISCAL IMPACT/FINANCING

Proceeds from the sale of the Property will be deposited in the Special District General Liability Fund.

The Property is being offered for all cash. The successful bidder must make a deposit in the amount of \$25,000 for the Property at the time of the auction and execute a Purchase Agreement. The deposit is nonrefundable and must be paid with a cashier's check or money order. The successful bidder will have 60 days from the date of the auction to pay the balance of the successful bid amount.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

Pursuant to Water Code Section 55371, the Board of Supervisors may sell real property owned by the District no longer needed for the uses of the District.

Pursuant to Water Code Section 55373, if the Board of Supervisors determines the Property to have a value of more than one hundred dollars, a notice of time and place of sale shall be given by posting three notices in three public places within the District five days before the date of sale. Under Section 55373, at the time of sale, bids shall be received and the Board may sell to the highest bidder or may reject any or all bids.

Pursuant to Government Code Section 65402, a notification of the proposed sale was submitted to the City of Malibu's Department of Planning for its report as to conformance with the City's adopted General Plan. By letter dated June 10, 2002, the City's Department of Planning deemed that the proposed sale conforms with the City's adopted General Plan.

Pursuant to Government Code Section 54222, all relevant agencies of the State, County, City, and the School District were notified of the proposed sale. No agency has expressed an interest in acquiring the Property.

County Counsel has approved as to form the enclosed Resolution Regarding Sale at Public Auction of Real Property of the Los Angeles County Waterworks District No. 29, Malibu. County Counsel will also approve as to form the Quitclaim Deed and the Purchase Agreement prior to being presented to the Chairman for execution. The Quitclaim Deed and Purchase Agreement will be recorded.

The Honorable Board of Supervisors
June 27, 2002
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ENVIRONMENTAL DOCUMENTATION

The sale of this Property is categorically exempt from the CEQA, as specified in Class 12, of the Environmental Document Reporting Procedures and Guidelines, adopted by your Board on November 17, 1987, Synopsis 57, and Section 15312 of State CEQA Guidelines.

IMPACT ON CURRENT SERVICES (OR PROJECTS)

None.

CONCLUSION

This action is in the District's interest. Enclosed are an original and duplicate Resolution Regarding Sale at Public Auction of Real Property of the Los Angeles County Waterworks District No. 29, Malibu. Please have the Executive Officer execute both the original and duplicate and return the duplicate to this office.

An original and two duplicate Quitclaim Deeds will be prepared in favor of the successful bidder. Upon presentation by the Department of Public Works, please have the Chairman sign the original and duplicates and have them acknowledged by the Executive Officer of the Board of Supervisors. Please return the executed original and one duplicate of each Quitclaim Deed to this office, retaining one duplicate of the Quitclaim Deed for your files.

One approved copy of this letter is requested.

Respectfully submitted,

JAMES A. NOYES
Director of Public Works

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Enc.

cc: Chief Administrative Office
County Counsel

**RESOLUTION REGARDING SALE AT PUBLIC AUCTION OF REAL PROPERTY OF
THE LOS ANGELES COUNTY WATERWORKS DISTRICT NO. 29 - MALIBU**

**21533 PASEO SERRA STREET
CITY OF MALIBU**

WHEREAS, the Board of Supervisors of the County of Los Angeles has found and determined that the Property hereinafter defined, owned by Los Angeles County Waterworks District No. 29 - Malibu (District), is not needed for uses of the District.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Supervisors of the County of Los Angeles (Board) as follows:

1. A public auction shall be conducted selling the District's real property located at 21533 Paseo Serra Street in the City of Malibu, County of Los Angeles, further described in Exhibit "A" attached hereto and incorporated herein by reference and made a part hereof as though set forth in full (Property), on August 27, 2002, at 9:30 a.m., in the Hearing Room of the Board, Room 381, Kenneth Hahn Hall of Administration, 500 West Temple Street, Los Angeles, California, subject to the terms and conditions set forth below.
2. The sale of the Property will be subject to the buyer assuming the following items:
 - a. all taxes, interest, penalties, and assessments of record, if any;
 - b. covenants, conditions, restrictions, reservations, easements, rights, and rights of way of record, if any; and
 - c. the current condition of the Property.
3. Sealed bids must be filed in the Office of the Clerk of the Board of Supervisors, Room 383, Kenneth Hahn Hall of Administration, 500 West Temple Street, Los Angeles, California, prior to 9:30 a.m. on the day of the auction.

4. The Board reserves the right to reject any and all bids, and to withdraw the Property from sale at any time.
5. At the time of the auction, sealed bids will be opened and oral bids will be heard provided that the first oral bid exceeds by at least five percent (5%) of the amount of the highest sealed bid. Should two or more sealed bids be identical as to highest bid amounts, the bid first received in accordance with Paragraph No. 3 above, shall be recognized as the highest sealed bid.
6. At the close of the auction, the successful bidder must make a non-refundable deposit in the form of a cashier's check or bank money order. The amount of the deposit required is \$25,000. The balance of the amount due must be paid with a cashier's check, or money order no later than sixty (60) calendar days, inclusive, from the date of auction specified in Paragraph No. 1 herein.
7. The transfer of title will not pass to the successful bidder until the total bid amount is paid in full to the District. If the successful bidder fails to deliver the balance of the amount due as specified above, or fails to abide by the terms and conditions of the sale, said sale may be rescinded at the option of the District . In that event, the District may, after complying with the statutory requirements, sell the respective Property. All of the deposit will be kept by the District and will not be refunded.
8. The Property is being sold in "as is" condition. The District makes no warranty or representation of any nature with respect to the Property, including, without limitation: 1) location, size, and zone set forth herein or on any plot map of any property; 2) the condition of the land and/or structures or the foundations; and 3) the condition of the soil including, without limitation, the presence of pollutants or contaminants, the geologic stability, or suitability of the land for development.

9. The successful bidder will be deemed to have made a full and complete investigation of the Property. Copies of the title reports, geological reports and maps, geological and structural repair plans, and documents showing the locations and size of the parcel to be sold will be made available for inspection in the office of the Department of Public Works, Mapping & Property Management Division, 10th Floor, 900 South Fremont Avenue, Alhambra, California. Certain documents developed during the investigation of the claim and lawsuit brought by Larry Coffman in Los Angeles Superior Court (*Coffman v. County of Los Angeles, Los Angeles County Waterworks District No. 29, et al.*, Case No. BC 246067), including without limitation, geological reports and maps, and geological and structural repair plans, will be made available for inspection to prospective bidders who first execute a release and hold harmless agreement to be approved by the Office of the Los Angeles County Counsel.
10. The successful bidder will be required to execute a purchase and sale agreement (Purchase Agreement), in the form satisfactory to the Board, binding all successors and assigns, releasing the District and related parties from any and all liabilities relating to the current condition of the Property, containing and consistent with the terms and conditions in this Resolution, and reflecting the purchase price for the full amount of the successful bid. The Purchase Agreement will be recorded with the Los Angeles County Recorder.

The foregoing Resolution was on the _____ day of _____, 2002, adopted by the Board of Supervisors of the County of Los Angeles and the governing body of Los Angeles County Waterworks District No. 29 - Malibu.

VIOLET VARONA-LUKENS, Executive Officer
of the Board of Supervisors
of the County of Los Angeles

By _____
Deputy

APPROVED AS TO FORM

LLOYD W. PELLMAN
County Counsel

By _____
Deputy County Counsel

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Exhibit A

Legal Description

21533 Paseo Serra Street, City of Malibu

LOT 131 OF TRACT 10570, IN THE CITY OF MALIBU, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 161, PAGES 36 TO 42 INCLUSIVE OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

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